REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-22 have been rejected. Applicants respectfully request reconsideration of the application in view of the following remarks submitted in support thereof.

Obviousness Rejections under 35 U.S.C. §103(a)

Claims 1-12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,172,990 to Deb et al. in view of U.S. Patent No. 5,909,564 to Alexander et al. As will be fully explained below, the combination of Deb et al. in view of Alexander et al. does not raise a *prima facie* case of obviousness against independent claims 1 and 13.

Independent claim 1 defines a method for processing storage data that is to be communicated over a network. In particular, storage data is serialized using storage encapsulation protocol (SEP) headers to generate serialized storage data. Furthermore, the serialized storage data is encapsulated using a simple transport protocol (STP) to generate simple transport protocol data segments of the storage data. Independent claim 13 defines a method for communicating storage data over an Ethernet network using a non-TCP lightweight transport protocol. Specifically, SEP headers are attached to selected portions of data, and STP headers are attached to one or more of the selected portions having the SEP headers to produce STP packets.

In response to the Applicants' Amendment mailed January 30, 2004, the Examiner notes that an encapsulated packet as disclosed in Deb et al. teaches the SEP headers as defined in independent claims 1 and 13. Applicants respectfully traverse the Examiner's characterization of Deb et al. relative to independent claims 1 and 13 because the portions of

the reference relied upon by the Examiner (Figure 8 and col. 21, lines 15-20 and lines 60-67) do not teach SEP headers. Specifically, referring to Figure 8, Deb et al. disclose that a micro-RISC stream processor 114a "attach[es] an encapsulation header 808 at the front of appended index 804 and packet data 802" to encapsulate the packet data 802 (col. 22, lines 2-3). According to column 22, lines 8-9, "encapsulation header 808 may be a virtual local area network (VLAN) header." Deb et al. do not disclose other examples of the encapsulation header, and the VLAN header is not and does not function like the SEP header defined in independent claims 1 and 13.

In support of the 35 U.S.C. §103(a) rejection, the Examiner also points to column 21, lines 15-20 that discloses the "micro-RISC stream processor 114a is preferably well suited to encapsulate out-going packets with various types of headers." However, the only types of headers that Deb et al. disclose are an internet protocol (IP) header (col. 11, lines 45-46), a transmission control protocol (TCP) header (col. 11, lines 46-47), a simple mail transfer protocol (SMTP) header (col. 11, line 48), a VLAN header (col. 22, line 9), a tag header (col. 29, line 16), a cyclic redundancy check (CRC) header (col. 29, line 17), and an ATM header (col. 30, line 14). The SEP header defined in independent claims 1 and 13 is simply not disclosed anywhere in the entire specification, and the headers listed above are not and do not function like the SEP header. Accordingly, Deb et al. cannot reasonably be considered to teach or suggest the SEP header, as defined in independent claims 1 and 13.

Furthermore, the Examiner notes that Deb et al. teach encapsulating the serialized storage data using the STP, as defined in independent claim 1. Applicants respectfully traverse the Examiner's characterization of Deb et al. relative to claim 1 because the portions of the reference relied upon by the Examiner (col. 11, lines 44-51 and col. 21, lines 15-20) do not teach encapsulating the serialized storage data using STP. Specifically, Deb et al. only

disclose a simple mail transfer protocol (SMTP) header (col. 11, line 48). SMTP is a protocol for sending e-mail messages between servers. In contrast, independent claim 1 defines encapsulating serialized storage data. As Deb et al. disclose a completely different protocol designed to transfer different data, Deb et al. cannot reasonably be considered to disclose encapsulating the serialized storage data using STP, as defined in independent claim 1.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, in view of the incorrect characterization of Deb et al., the references as combined do not teach all the features of the claimed invention. Accordingly, for the above-stated reasons, Applicants submit that independent claim 1 and 13 are patentable under 35 U.S.C. §103(a) over Deb et al. in view of Alexander et al. Claims 2-12 and 14, each of which depends directly or indirectly from independent claims 1 and 13, are likewise patentable under 35 U.S.C §103(a) over Deb et al. in view of Alexander et al. for at least the same reasons set forth for independent claims 1 and 13. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 1-12 and 14.

Anticipation Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 13 and 15-22 under 35 U.S.C. 102(e) as being anticipated by Deb et al. For the reasons put forth below, Applicants respectfully assert that Deb et al. fail to identically disclose each and every feature defined in independent claims 13, 19, and 20.

In support of the 35 U.S.C. §102(e) rejection, the Examiner notes that Deb et al. teach SEP headers as defined in independent claim 13. Applicants respectfully traverse the

Examiner's characterization of Deb et al. relative to claim 13 because, as discussed above, the VLAN header disclosed in Deb et al. is simply not a SEP header. Further, the Examiner noted that Deb et al. teach attaching STP headers as defined in independent claim 13. As discussed above, a SMTP header is not a STP header. As Deb et al. disclose completely different headers, Deb et al. cannot reasonably be considered to disclose the STP headers as defined in independent claim 13.

Independent claims 19 and 20 define methods for communicating data using a non-TCP lightweight transport protocol. Similar to independent claim 13, STP headers are attached to selected portions of data to produce STP packets. As discussed above, Deb et al. cannot be reasonably considered to disclose STP headers.

As Deb et al. fail to teach each and every element of the claimed invention, the Applicants respectfully submit that independent claims 13, 19, and 20 are patentable under 35 U.S.C. § 102(e) over Deb et al. Further, dependent claims 15-18 and 21-22, each of which directly or indirectly depends from independent claims 13, 19, and 20 are submitted to be patentable under 35 U.S.C. § 102(e) over Deb et al. for the reasons set forth above. Accordingly, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 102(e) rejections for claims 13 and 15-22.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all pending claims 1-22 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present request, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this request, the Commissioner is also authorized to charge

Deposit Account No. 50-0805 (Order No. ADAPP085B). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, L.L.P.

Michael K. Hsu, Esq.
Reg. No. 46,782

Martine & Penilla, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, California 94085
Telephone: (408) 749-6900
Customer Number 25920